

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-094509

06/22/2009

JUDGE PRO TEM WESLEY E. PETERSON

CLERK OF THE COURT
J. Skuza
Deputy

IN RE THE MATTER OF
THOMAS R STILLWELL

GARY ALAN WIESER

AND

JOY LYNN STILLWELL

JOY LYNN STILLWELL
2921 W GLENHAVEN DR
PHOENIX AZ 85045

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

This matter was taken under advisement following the May 22, 2009 Post Decree Child Support Modification/Unreimbursed medical/dental expenses Evidentiary Hearing.

There are a few issues to be decided in this case; first, what income to attribute to Father? Father's income tax returns show Father earned well over \$100,000.00 in 2006 and about \$74,000.00 in 2007. Father's evidence was that 2006 was an exceptional year and didn't represent a normal income. His evidence was his accountant estimated his income for the first quarter of 2008 was about \$4,000.00 a month. The Court is attributing \$74,000.00 per year to Father as the Court is confident that Father is capable of earning that amount.

There was some evidence presented concerning \$270.00 per month as an extraordinary child expense. Mother disputed that and said she couldn't afford it. The Court is not including that amount in the worksheet.

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The issue of parenting time was discussed at the hearing. The Court finds that Mother is having contact with the children but it is supervised and does not allow for any parenting adjustment.

The last issue is the effective date of the child support that Mother will be required to pay. Father's position is June 1, 2008 when custody was modified. The Court signed an Order of Modification of Consent Decree on November 21, 2008. That Order stated that Mother would pay child support upon submission of an Affidavit of Financial Information and a Child Support Worksheet. Those were both filed by Father in March 2009. The Court finds the appropriate start date is April 1, 2009.

The Court has prepared its own child support worksheet which incorporates the Court's findings and is filed herein.

THE COURT FINDS that there is a continuing and substantial change of circumstances, specifically: due to a change in custody.

Therefore,

IT IS ORDERED granting Father's Petition for Modification of Child Support.

IT IS FURTHER ORDERED that Mother shall pay to Father as support for the minor child of the parties \$898.89 per month commencing on April 1, 2009, and continuing on the same day of each month thereafter. Said amount is to be paid through the Support Payment Clearinghouse by Order of Assignment.

Until the wage assignment becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to **Support Payment Clearinghouse, P. O. Box 52107, Phoenix, Arizona 85072-2107**. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

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Mother is personally responsible for the timely payment of support as well as the \$2.25 monthly handling fee. At any time an employer and/or payor is not paying pursuant to the Order of Assignment, Mother must make timely payment of support and fees directly to the Support Payment Clearinghouse. Failure to make timely payment of support may result in a finding of contempt which may result in sanctions, including incarceration.

The Court's further findings and orders are as contained in the formal written Child Support Order signed by the Court.

FILED: Child Support Order; Child Support Guideline Worksheet.

LET THE RECORD REFLECT an electronic Order of Assignment will be initiated by the above-named Deputy Clerk.

IT IS FURTHER ORDERED setting a Post Decree unreimbursed medical/dental expense Evidentiary Hearing on August 18, 2009, at 2:30 p.m. in this Division before the Honorable Wesley Peterson.

Location: South East Court Facility, Courtroom 305, 222 East Javelina, South Entrance, Mesa, AZ 85210-6201.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the August 18, 2009 hearing must be brought to the Court Clerk in Courtroom 305 at least three (3) business days prior to the hearing. Any exhibits not submitted at least three (3) business days prior to the hearing will not be accepted.

IT IS FURTHER ORDERED the parties exchange, to each other and to counsel for the State, their List of Witnesses and Exhibits at least (5) days prior to the August 18, 2009 hearing. Objections to same are to be submitted at least three (3) days prior to the hearing.

NOTE: This Division will only accept exhibits between the hours of 8:30 a.m. and 12:00 p.m. and 1:30 p.m. and 4:30 p.m. All exhibits must be hand-delivered to the Clerk in Courtroom 305.

NOTICE: A child should not be brought to the Courthouse to be present during a Court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the Court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

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PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.